

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,  
Plaintiff,

v.

KEHINDE ADEBAYO ALAGBE,  
Defendant.

No. CR 04-0220 WHA

No. C 05-04255 WHA

**ORDER TO SHOW CAUSE**

Defendant has moved to have his sentence vacated, set aside or corrected on the grounds that its imposition violated his right to effective assistance of counsel and to a jury trial. The motion and case files do not “conclusively show” that defendant is not entitled to relief. *See* 28 U.S.C. 2255. The United States attorney is **ORDERED TO SHOW CAUSE** within **SIXTY DAYS** why the motion should not be granted, if that is his position, and to file then all portions of the record previously transcribed and relevant to the motion. The Clerk shall **SERVE** this order upon defendant and the United States. If the U.S. attorney opposes the motion, defendant shall have 90 days from submission of the opposition to reply.

**IT IS SO ORDERED.**

Dated: October 31, 2005.

  
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WILLIAM ALSUP  
UNITED STATES DISTRICT JUDGE